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10/646,845	08/25/2003	Toshihiro Nakaminami		1460

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EXAMINER

NGUYEN, THUONG

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/646,845

**Applicant(s)**

NAKAMINAMI ET AL.

**Examiner**

Thuong (Tina) T. Nguyen

**Art Unit**

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/25/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to the amendment filed on 4/3/06. Claims 1, 3, and 5-7 were amended. Claims 2 and 4 are canceled. Claims 8-9 are added. Claims 1, 3, 5-9 are pending. Claims 1, 3, 5-9 represent method and system for managing and changing process of client and server in a distributed computer system.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 recites the limitation "and/or" in publish/subscribe. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

4. Claim 7 recites the limitation "and/or" in hot/cold. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's unclear to the examiner what the applicant trying to accomplish by saying "another message addressed to said another processor"? Which message and processor the applicant preferred to?

6. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It's unclear to the examiner what the applicant trying to

accomplished by saying "issue another message...another sending operation..." It's unclear which is which the applicant preferred to?

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 5-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg Patent No. 6,418,416 B1. Rosenberg teaches the invention as claimed including inventory management system and method (see abstract).

9. As to claim 1, Rosenberg teaches a distributed system comprising:

storing directory information including control information for services and configuration information for parameters of said plurality of information processors in said directory information manager (col 2, lines 8-16; Rosenberg discloses that the method reaches a user-defined threshold or par value for the portal site, it means the system stores the information which was defined by the user);

creating, in a first information processor, a message addressed from said first one to a second of the plurality of information processors in the distributed system (col

Art Unit: 2155

1, lines 66 – col 2, lines 3; col 5, lines 8-18; Rosenberg discloses that the method of exchanges the message between the portal site and the controller through the distributed network; Rosenberg also discloses that the method of transmitting the information or data through the exchange links or distributed network);

issuing a request, when it is desired to know a communication peer, from said first information processor to said directory information manager to cause the directory information manager to search for control and configuration information for said second information processor among said directory information as management information for control of operation of said respective information processors in the distributed system (col 6, lines 46-49; Rosenberg discloses that the method of trigger the search query by selecting the search option; the user enter a query and got the list of result for the matches items);

reading out, in said directory information manager in response to said request received, said directory information and sending said control and configuration information to said first information processor (col 7, lines 29-36; Rosenberg discloses that the method of generated the report for viewing through the web site to support the distribution of information by the system) ; and

controlling, in said first information processor, at least one of said first and second information processors and a sending operation of said created message to said second information processor on the basic of said control and configuration information received from said directory information manager in said first information processor (col 5, lines 38-46; Rosenberg discloses that the method of sending and

receiving the transaction for the database through the communications using the Internet connection).

10. As to claim 3, Rosenberg teaches a information processor as recited in claim 1, wherein said control information includes information of operational modes of the information processors belonging to a service, and when it is desired to know said communication peer to send said created message, the operational modes of the information processors belonging to the specific service are controlled on the basis of said control information (table 1; Rosenberg discloses that the method of sending and receiving messages and all activities that occurred between the servers communication and the Internet).

11. As to claim 5, Rosenberg teaches an information processor comprising:  
an object-inherent operation processor for creating when it is desired to send data to an information processor, a message addressed to the information processors in said distributed system (col 1, lines 66 – col 2, lines 3; col 5, lines 8-18; Rosenberg discloses that the system of exchanges the message between the portal site and the controller through the distributed network; Rosenberg also discloses that the system of transmitting the information or data through the exchange links or distributed network);  
and

communication management processor for requesting when it is desired to know a communication peer, said directory information manager to search for directory information as management information for control of operations of the information processors in said distributed system (col 6, lines 46-49; Rosenberg discloses that the system of trigger the search query by selecting the search option; the user enter a query

and got the list of result for the matches items) and controlling sending operation of the message created by said object-inherent processor on the basis of said directory information received from said directory information manager (col 5, lines 38-46; Rosenberg discloses that the system of sending and receiving the transaction for the database through the communications using the Internet connection).

12. As to claim 6, Rosenberg teaches a distributed system control method as recited in claim 1, wherein said first information processor creates at least one of a publish/subscriber operation, message communication, receiver searching, and communication protocol conversion to send said message to said second information processor (col 6, lines 46-49; Rosenberg discloses that the system of trigger the search query by selecting the search option; the user enter a query and got the list of result for the matches items).

13. As to claim 7, Rosenberg teaches a distributed system control method as recited in claim 1, wherein said first information processor creates log acquiring, execution mode, hot/cold standby, load balance, and server change to send said message to said second information processor (col 1, lines 19-65; Rosenberg discloses that the system of creating a user access system for distributing articles through an input device and verified user access right against the stored information in the system).

14. As to claim 8, Rosenberg teaches an information processor as recited in claim 5, wherein said object-inherent operation processor creates, when it is desired to send said data to another information processor, another message addressed to said another processor (col 1, lines 66 – col 2, lines 3; col 5, lines 8-18; Rosenberg discloses that the system of exchanges the message between the portal site and the controller

through the distributed network; Rosenberg also discloses that the system of transmitting the information or data through the exchange links or distributed network), and

wherein said communication management processor requests, when it is desired to know a communication peer therefore, said directory information manager to search for directory information as management information for control of operations of said another information processor (col 6, lines 46-49; Rosenberg discloses that the system of trigger the search query by selecting the search option; the user enter a query and got the list of result for the matches items).

### **Claim Rejections - 35 USC § 103**

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg, Patent No.6,418,416 B1 in view of Call, Patent No. 6,154,738.

Rosenberg teaches the invention substantially as claimed including inventory management system and method (see abstract).

17. As to claim 9, Rosenberg teaches a distributed system control as recited in claim

1. But Rosenberg failed to teach the claim limitation wherein repeating, in said first



information processor, to create and issue another message to said second directory information manager to cause the directory information manager to search for control and configuration information for a third information processor among said directory information; and making, in said directory information manager, said directory information to include a key for said third information processor and a subscribe list wherein said first information processor executes, after said sending operation of said created message to said second information processor, another sending operation of said created message to said third information processor.

However, Call teaches method and apparatus for disseminating product information via the Internet using Universal product codes (see abstract). Kikuchi teaches the limitation wherein repeating, in said first information processor, to create and issue another message to said second directory information manager to cause the directory information manager to search for control and configuration information for a third information processor among said directory information (col 13, lines 12-30); and making, in said directory information manager, said directory information to include a key for said third information processor and a subscribe list (col 7, lines 54-61); wherein said first information processor executes, after said sending operation of said created message to said second information processor, another sending operation of said created message to said third information processor (col 28, lines 26-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenberg in view of Call so that the information get distributed across the network using the identifying code to specifying the location of the product. One would be motivated to do so to search for the product in the system and get

Art Unit: 2155

distributed across the network. Call also discloses the method of searching for the product and using the generated key to access the product and to perform the translation process for the product.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 5, 8-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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